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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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PAUL KENNETH CROMAR,  
  
Plaintiff,

v.

KRAIG J. POWELL,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER ADOPTING [28] REPORT AND  
RECOMMENDATION**

Case No. 2:20-cv-00625-DBB-DAO

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

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The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Daphne A. Oberg recommends that Defendant's Motion to Dismiss<sup>2</sup> be granted and the action dismissed with prejudice.<sup>3</sup> Magistrate Judge Oberg recommended this course of action<sup>4</sup> because she concluded that the court lacks jurisdiction over Plaintiff's claims based on the *Rooker-Feldman* doctrine<sup>5</sup> and the *Younger* abstention doctrine.<sup>6</sup> Magistrate Judge Oberg also concluded that Plaintiff's complaint fails to state a claim upon which relief can be granted under Federal Rule of

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<sup>1</sup> Report and Recommendation, ECF No. 28, filed April 12, 2021.

<sup>2</sup> Motion to Dismiss, ECF No. 7, filed September 29, 2020.

<sup>3</sup> Report and Recommendation at 9.

<sup>4</sup> *Id.* at 6–8.

<sup>5</sup> This doctrine “provides that federal courts, other than the United States Supreme Court, lack jurisdiction to adjudicate claims seeking review of state courts judgments.” *Bisbee v. McCarty*, 3 F. Appx. 819, 822 (10th Cir. 2001) (unpublished).

<sup>6</sup> “*Younger* abstention dictates that federal courts not interfere with state court proceedings by granting equitable relief—such as injunctions of important state proceedings or declaratory judgments regarding constitutional issues in those proceedings—when such relief could adequately be sought before the state court.” *Amanatullah v. Colo. Bd. Of Med. Exam'rs*, 187 F.3d 1160, 1163 (10th Cir. 1999) (citation omitted).

Civil Procedure 12(b)(6).<sup>7</sup> She further concluded that to the extent Plaintiff seeks monetary damages, his claim is barred by Defendant's judicial immunity.<sup>8</sup>

Plaintiff was notified of the right to file objections to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).<sup>9</sup> Plaintiff filed a "Third Judicial Notice"<sup>10</sup> on April 23, 2021. This notice does not set forth any objections to the Report and Recommendation or even reference the Report and Recommendation. Accordingly, the court concludes that no party filed a written objection to the Report and Recommendation by the specified deadline. Because of this conclusion and because the analysis and conclusion of the Magistrate Judge are sound, the Report and Recommendation of Magistrate Judge Oberg is adopted in its entirety.

### **ORDER**

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED. Defendant's Motion to Dismiss is GRANTED and the action is DISMISSED WITH PREJUDICE.

Signed April 28, 2021.

BY THE COURT



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David Barlow  
United States District Judge

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<sup>7</sup> Report and Recommendation at 8–9.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 9–10.

<sup>10</sup> Third Judicial Notice, ECF No. 31, filed April 23, 2021.